

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING ASSISTANCE IN THE RECRUITMENT AND
5 RETENTION OF MONTANA GAME WARDENS; PROVIDING FOR THE ESTABLISHMENT OF BASE
6 SALARIES AND BIENNIAL SALARY INCREASES FOR EXISTING GAME WARDEN POSITIONS AT FULL
7 MARKET RATES; PROVIDING THAT BASE SALARIES FOR ENTRY-LEVEL GAME WARDENS POSITIONS
8 BE BASED ON A BIENNIAL MARKET SALARY SURVEY; PROVIDING FOR MARKET RATES AND PAY
9 PROGRESSION FOR ENFORCEMENT PERSONNEL WHO ARE NOT REPRESENTED THROUGH
10 COLLECTIVE BARGAINING; AMENDING SECTIONS 2-18-303 AND 44-1-504, MCA; AND PROVIDING AN
11 IMMEDIATE EFFECTIVE DATE."

12

13 WHEREAS, it is in the best interests of the citizens of Montana to have adequate protection for their
14 world-class fish, wildlife, and parks resources; and

15 WHEREAS, the Legislature created the Montana Department of Fish, Wildlife, and Parks to protect and
16 enhance the state's wild resources on behalf of the people of Montana and to ensure their protection and
17 existence in perpetuity; and

18 WHEREAS, the economic and cultural loss to the citizens of Montana from the unlawful exploitation and
19 taking of the state's wild resources is immeasurable; and

20 WHEREAS, the inability to recruit and retain Montana game wardens has become a significant issue,
21 not only adding a substantial workload on the current game warden force to cover unfilled districts, but
22 threatening to place in jeopardy those wild resources that game wardens are sworn to protect; and

23 WHEREAS, in the past 10 years, 35 of 74 field game wardens (47%) have left the department for early
24 retirements, through terminations, or for nonretirement purposes by seeking jobs with higher salaries; and

25 WHEREAS, the Department of Fish, Wildlife, and Parks, because of pay parity issues, continues to lose
26 officers to other law enforcement agencies and to the private sector after absorbing the costs of training and
27 equipping those officers, which places additional hardships on the state's fish, wildlife, and parks resources and
28 increases costs for hunters and anglers; and

29 WHEREAS, Department of Fish, Wildlife, and Parks game warden positions have been placed into the
30 broadband pay plan, which allows market-based salary survey adjustments to facilitate recruitment and retention

1 of game wardens; and

2 WHEREAS, a survey conducted by the Department of Administration of western states' conservation
3 officer salaries revealed a substantial gap in parity in the pay offered officers in other, comparable states; and

4 WHEREAS, the Legislature intends to allow the Department of Fish, Wildlife, and Parks to be in a position
5 to hire, train, and retain competent game wardens to ensure that Montana's fish, wildlife, and parks resources
6 are protected to the greatest extent possible for all Montanans, now and in the future.

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 2-18-303, MCA, is amended to read:

11 **"2-18-303. Procedures for administering broadband pay plan.** (1) ~~(a)~~ On the first day of the first
12 complete pay period in fiscal year ~~2008~~ 2010, each employee is entitled to the amount of the employee's base
13 salary as it was on June 30, ~~2007~~ 2009.

14 ~~—— (b) Effective on the first day of the first complete pay period that includes October 1, 2007, the base~~
15 ~~salary of each employee must be increased by 3%. Effective on the first day of the first complete pay period that~~
16 ~~includes October 1, 2008, the base salary of each employee must be increased by 3%.~~

17 ~~—— (2) (a) Effective October 1, 2007, and October 1, 2008, the appropriation that represents 6/10 of 1% of~~
18 ~~the salary for each full-time equivalent position must be allocated to each agency to distribute to its employees~~
19 ~~for reasons including but not limited to market progression, job performance, or employee competencies.~~

20 ~~—— (b) To the extent that this distribution applies to employees within a collective bargaining unit, the~~
21 ~~distribution is a negotiable subject under Title 39, chapter 31. The amount of money allocated to agencies and~~
22 ~~available to distribute to members of each bargaining unit must be determined by multiplying the salaries of the~~
23 ~~total number of full-time equivalents in the bargaining unit by 6/10 of 1%.~~

24 ~~—— (c) The allocation described in subsection (2)(b) may not be distributed to members of a collective~~
25 ~~bargaining unit until the employer's collective bargaining representative receives written notice that the~~
26 ~~employee's collective bargaining unit has ratified a pay addendum to the collective bargaining agreement~~
27 ~~specifying the distribution.~~

28 ~~(3)(2)~~ An employee's base salary may be no less than the pay band entry salary for the employee's
29 assigned occupation.

30 ~~(4)(3)~~ (a) (i) A member of a bargaining unit may not receive the a pay increase provided for in subsection

(1)(b) until the employer's collective bargaining representative receives written notice that the employee's collective bargaining unit has ratified a collective bargaining agreement.

(ii) If ratification of a collective bargaining agreement, as required by subsection ~~(4)(a)(i)~~ (3)(a)(i), is not completed by the date on which a legislatively authorized pay increase is implemented, members of the bargaining unit must continue to receive the compensation that they were receiving until an agreement is ratified.

(b) Methods of administration consistent with the purpose of this part and necessary to properly implement the pay adjustments provided for in this section may be provided for in collective bargaining agreements.

~~(5)(4)~~ The current wage or salary of an employee may not be reduced by the implementation of the broadband pay plan.

~~(6)(5)~~ (a) Montana highway patrol officer base salaries and biennial salary increases must be established through the broadband pay plan. Before January 1 of each odd-numbered year, the department shall, after seeking the advice of the Montana highway patrol, conduct a salary survey to be used in establishing the base salary and any biennial salary increase for existing and entry-level highway patrol officer positions. The county sheriff's offices in the following consolidated governments and counties are the labor market for purposes of the survey: Butte-Silver Bow, Cascade, Yellowstone, Missoula, Lewis and Clark, Gallatin, Flathead, and Dawson. The base salary and biennial salary increases for existing and entry-level highway patrol officer positions must then be determined by the department of justice, using the results of the salary survey and the department of justice pay plan guidelines. ~~Base or biennial salary increases under this subsection are exclusive of and not in addition to any increases otherwise awarded to other state employees after July 1, 2006.~~

(b) To the extent that the plan applies to employees within a collective bargaining unit, the implementation of the plan is a negotiable subject under 39-31-305.

(c) The department of justice shall submit the salary survey to the office of budget and program planning as a part of the information required by 17-7-111.

(d) The salary survey and plan must be completed at least 6 months before the start of each regular legislative session.

(6) (a) Base salaries and biennial salary increases for existing game warden positions must be established at full market rates through the broadband pay plan.

(b) Before January 1 of each odd-numbered year, the department shall, after seeking the advice of Montana game wardens, conduct a salary survey to be used in establishing the base salary for entry-level game

1 warden positions. The county sheriff's offices in the following consolidated governments and counties are the
2 labor market for purposes of the survey: Butte-Silver Bow, Cascade, Yellowstone, Missoula, Lewis and Clark,
3 Gallatin, Flathead, and Dawson.

4 (c) The base salary and biennial salary increases for existing game warden positions for wardens who
5 are represented through collective bargaining must be determined by the department of fish, wildlife, and parks
6 using the department of fish, wildlife, and parks pay plan guidelines. Market rates and pay progression for game
7 wardens who are not represented through collective bargaining must be the same as the rate and progression
8 applied under the department of fish, wildlife, and parks pay plan guidelines to managers of other divisions. The
9 base salary for entry-level game warden positions must be determined using the results of the salary survey
10 provided for in subsection (6)(b).

11 (d) To the extent that the plan applies to employees within a collective bargaining unit, the
12 implementation of the plan is a negotiable subject under 39-31-305.

13 (e) The department of fish, wildlife, and parks shall submit the salary survey to the office of budget and
14 program planning as a part of the information required by 17-7-111.

15 (f) The salary survey and plan must be completed at least 6 months before the start of each regular
16 legislative session."

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18 **Section 2.** Section 44-1-504, MCA, is amended to read:

19 **"44-1-504. Special revenue account to partially fund highway patrol officers' salaries -- statutory**
20 **appropriation.** (1) There is an account in the state special revenue fund provided for in 17-2-102.

21 (2) The money in the account is statutorily appropriated, as provided in 17-7-502, to the department of
22 justice to fund, pursuant to 2-18-303~~(6)~~(5):

23 (a) the base salary and associated operating costs for highway patrol officer positions; and

24 (b) biennial salary increases for highway patrol officers."
25

26 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

27 - END -